

HERBERT W. SCHOLLMMEYER

IBLA 76-592

Decided July 6, 1976

Appeal from decision of Montana State Office rejecting simultaneous oil and gas lease offer M-33853.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases:
Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected where the drawing card is not signed.

2. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases:
Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected when the date is omitted from the drawing card.

APPEARANCES: Herbert W. Schollmeyer, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Herbert W. Schollmeyer has appealed from a decision dated April 2, 1976, of the Montana State Office which rejected his oil and gas lease offer Montana 33853 filed as a drawing entry card for parcel number 1095 in the March 1976 simultaneous drawing. Appellant's offer was drawn first in the drawing held according to the procedures in 43 CFR Subpart 3112. The offer was rejected with the reasons that the drawing entry card was unsigned and undated.

The pertinent regulation requires that drawing entry cards be signed and fully executed by the applicant. 43 CFR 3112.2-1(2).

In his appeal, appellant admits that the card was inadvertently neither signed nor dated, but points out that his name and address and signature were on the check which accompanied his card. The mere fact that the desired information may have been able to be deduced from the check does not satisfy the mandatory requirement of the regulation. The Board has held that a card either unsigned or undated must be rejected, Thomas Buckman, 23 IBLA 21 (1975), John R. Mimick, 25 IBLA 107 (1976). Accordingly, the rejection of the entry card was proper.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Montana State Office is affirmed.

Martin Ritvo

Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Douglas E. Henriques
Administrative Judge

